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James Dzurenda, Renee Baker and Tara Carpenter*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CARLOS RUIZ,

Plaintiff,

vs.

ROMEO ARANAS, et al.,

Defendants.

Case No. 3:18-cv-00206-RCJ-WGC

**ORDER GRANTING
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO SERVE
DISCOVERY RESPONSES TO
INTERROGATORIES, REQUEST FOR
ADMISSIONS AND REQUEST FOR
PRODUCTION OF DOCUMENTS
[SET ONE]
(FIRST REQUEST)**

Defendants Barbara Cegavske, Aaron Ford, Maribelle Henry, Steve Sisolak, Colette Stammerjohn, Harold Wickham, James Dzurenda, Renee Baker, and Tara Carpenter, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Jeffrey A. Cogan, Deputy Attorney General, submits this Motion for Extension of Time to Serve Discovery Responses to Interrogatories, Requests for Admissions and Request for Production of Documents [Set One].

POINTS AND AUTHORITIES

I. INTRODUCTION

This is a *pro se* prisoner civil rights action brought by inmate Plaintiff Carlos Ruiz (Plaintiff) concerning events that allegedly took place at the Lovelock Correctional Center (LCC), asserting claims arising under 42 U.S.C. § 1983. Plaintiff alleged that he is

1 registered as a practitioner of “Messianic Judaism.” (ECF No. 6 at 8). Plaintiff alleged,
 2 “Defendants, through AR 810, deny Messianic Judaism practitioners from keeping their
 3 appointed holy days on the days they occur and refuse to provide grape juice and matzah
 4 for Messianic sabbath services and high sabbaths per AR 810.” (*Id.*)

5 On November 5, 2020, Plaintiff propounded Interrogatories to James Dzundenda,
 6 Governor Steve Sisolak, Secretary of State Barbara Cegavske, Attorney General Aaron
 7 Ford, Mary Henry, Tara Carpenter, Renee Baker and Harold Wickham. He propounded
 8 Request for Admissions to Tara Carpenter, Renee Baker, and Harold Wickham and a
 9 Request for Production of Documents to Barbara Cegavske. A total of eighty-two (82)
 10 interrogatories were propounded to the defendants, thirty-four (34) requests for
 11 admissions, and two (2) requests for production of documents. Named defendant Rabbi
 12 Yisroel Rosskamm has not been served and the Court gave Plaintiff until December 18,
 13 2020 to complete the USM-285 service form and return it to the U.S. Marshall so the U.S.
 14 Marshall may attempt service upon Rabbi Rosskamm. (ECF No. 28 at 2).

15 The Court’s Scheduling Order states that discovery shall be completed by
 16 December 24, 2020. (ECF No. 22 at 5, lines 8-9).

17 **II. LEGAL STANDCARD**

18 “For good cause, the court may extend the time prescribed by these rules or by its
 19 order to perform any act, or may permit an act to be done after that time expires.” Fed. R.
 20 Civ. P. 26(b). “The proper procedure, when additional time for any purpose is needed, is
 21 to present to the Court a timely request for an extension before the time fixed has expired
 22 (*i.e.*, a request presented before the time fixed for the purpose in question has expired).

23 *Pickett v. Valdez*, Case No. 3:17-cv-00567-MMD-WGC, 2019 WL 2570524, *2 (D. Nev.
 24 June 21, 2019) citing *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa.
 25 1962). The *Canup* Court explained that the “practicalities of life” (such as an attorney’s
 26 “conflicting professional engagements” or personal commitments such as vacations, family
 27 activities, illnesses, or death) often necessitate an enlargement of time to comply with a
 28 court deadline. *Id.* Extensions of time “usually are granted upon a showing of good

cause, if timely made.” *Id.* citing *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D. Ohio 1947).
 The good cause standard considers a party’s diligence in seeking the continuance or
 extension. See *In re Western States Wholesale Natural Gas Antitrust Litigation*, 715 F.3d
 716, 737 (9th Cir. 2013) citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
 (9th Cir. 1992).

III. ARGUMENT

Defendants’ request is timely as discovery served on November 5, 2020 is not due
 until December 9, 2020. Since receiving the discovery, Defendants’ counsel has been
 preparing proposed responses for client review and had delays in completing the answers.
 Because discovery must be completed by December 24, 2020 pursuant to the Court’s
 Scheduling Order (ECF No. 9), there is no prejudice to Plaintiff by the extension as he
 may not propound additional discovery. Thus, Plaintiff’s case will not be hindered nor is
 there prejudice to Plaintiff’s case. The additional time will allow for more thorough
 response to Plaintiff’s discovery requests. Defendants’ request an extension of fourteen
 (14) days to December 22, 2020 to allow Defendants to adequately research and respond
 to Plaintiff’s extensive discovery requests.

Finally, as Yisroel Rosskamm has yet to be served, there is a possibility that that a
 motion to extend the discovery deadline may be filed by Plaintiff or by Rabbi Rosskam.

DATED this 9th of December, 2020.

AARON D. FORD
 Attorney General

By: /s/ Jeffrey A. Cogan
 JEFFREY A. COGAN, Bar No. 4569
 Deputy Attorney General

Attorneys for Defendants

IT IS SO ORDERED.

DATED: December 9, 2020.

William G. Cobb
 UNITED STATES MAGISTRATE JUDGE